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9
10 **BEFORE THE**
CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke Probation
Against:

13 MAXINE C. MORAN
14 2171 El Camino Real, Suite 100
Oceanside, CA 92054

15 Certified Public Accountant Certificate
16 No. CPA 31999

17 Respondent.

Case No. D1-2000-26

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

18
19 FINDINGS OF FACT

20 1. On or about January 10, 2003, Complainant Carol Sigmann, in her official
21 capacity as the Executive Officer of the California Board of Accountancy, Department of
22 Consumer Affairs, filed Petition to Revoke Probation No. D1-2000-26 against Maxine C. Moran
23 (Respondent) before the California Board of Accountancy.

24 2. On or about May 8, 1981, the California Board of Accountancy ("Board")
25 issued Certified Public Accountant Certificate No. CPA 31999 to Respondent. The Certified
26 Public Accountant Certificate expired on February 1, 2001, and has not been renewed.

27 3. On or about January 17, 2003, Veronica Cruz, an employee of the
28 Department of Justice, served by Certified and First Class Mail a copy of the Petition to Revoke

1 Probation No. D1-2000-26, Request for Discovery and Government Code sections 11507.5,
2 11507.6, and 11507.7 to Respondent's addresses of record with the Board, and addresses known
3 to the Board, which were: (1) 2171 El Camino Real, Suite 100, Oceanside, CA 92054,
4 (2) 781 Avenida Salvador, San Clemente, CA 92672-2369, and (3) 4065 Oceanside Blvd., Ste. T,
5 Oceanside, CA 92056. A copy of the Petition to Revoke Probation, the related documents, and
6 Declaration of Service are attached as Exhibit A, and are incorporated herein by reference.

7 4. Service of the Petition to Revoke Probation was effective as a matter of
8 law under the provisions of Government Code section 11505, subdivision (c).

9 5. On or about January 28, 2003, both the Certified Mail and First Class Mail
10 copies of the aforementioned documents sent to the address of 2171 El Camino Real, Suite 100,
11 Oceanside, CA 92054 were returned by the U.S. Postal Service marked "Unclaimed." On or
12 about February 28, 2003, the Certified Mail copy of the aforementioned documents sent to the
13 address of 781 Avenida Salvador, San Clemente, CA 92672-2369 were returned by the U.S.
14 Postal Service marked "Unclaimed." On or about February 18, 2003, the Certified Mail copy of
15 the aforementioned documents sent to the address of 4065 Oceanside Blvd., Ste. T, Oceanside,
16 CA 92056 were returned by the U.S. Postal Service marked "Unclaimed." A copy of the postal
17 returned documents are attached hereto as Exhibit B, and are incorporated herein by reference.

18 6. Business and Professions Code section 118 states, in pertinent part:

19 "(b) The suspension, expiration, or forfeiture by operation of law of a license
20 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the
21 board or by order of a court of law, or its surrender without the written consent of the board, shall
22 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the
23 board of its authority to institute or continue a disciplinary proceeding against the licensee upon
24 any ground provided by law or to enter an order suspending or revoking the license or otherwise
25 taking disciplinary action against the license on any such ground."

26 7. Government Code section 11506 states, in pertinent part:

27 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
28 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the

1 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
2 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

3 8. Respondent failed to file a Notice of Defense within 15 days after service
4 upon her of the Petition to Revoke Probation, and therefore waived her right to a hearing on the
5 merits of Petition to Revoke Probation No. D1-2000-26.

6 9. California Government Code section 11520 states, in pertinent part:

7 "(a) If the respondent either fails to file a notice of defense or to appear at the
8 hearing, the agency may take action based upon the respondent's express admissions or
9 upon other evidence and affidavits may be used as evidence without any notice to
10 respondent."

11 10. Pursuant to its authority under Government Code section 11520, the Board
12 finds Respondent is in default. The Board will take action without further hearing and, based on
13 Respondent's express admissions by way of default and the evidence before it, contained in
14 Exhibits A, B and C, finds that the allegations in Petition to Revoke Probation No. D1-2000-2
15 are true.

16 DETERMINATION OF ISSUES

17 1. Based on the foregoing findings of fact, Respondent Maxine C. Moran has
18 subjected her Certified Public Accountant Certificate No. CPA 31999 to discipline.

19 2. A copy of the Petition to Revoke Probation and the related documents and
20 Declaration of Service are attached.

21 3. The agency has jurisdiction to adjudicate this case by default.

22 4. The California Board of Accountancy is authorized to revoke Respondent's
23 Certified Public Accountant Certificate based upon the following violations alleged in the
24 Petition to Revoke Probation:

25 a. Pursuant to Section 5100 of the Business and Professions Code,
26 the Board may revoke any permit or certificate granted under Article 4 (commencing with
27 Section 5070) and Article 5 (commencing with Section 5080) for unprofessional conduct.
28 Respondent's certificate was placed on probation for unprofessional conduct under

1 specific terms and conditions. Respondent failed to comply with all terms and conditions
2 of her probation.

3 b. Respondent did not comply with Probation Condition 2 in that she
4 failed to submit quarterly reports. Respondent did not comply with Probation Condition
5 10 in that she failed to pay an administrative fine and did not comply with an order of
6 correction. Respondent did not comply with Probation Condition 3 in that she failed to
7 appear in person at a hearing, after being directed to attend.

8 ORDER

9 IT IS SO ORDERED that Certified Public Accountant Certificate No. CPA
10 31999, heretofore issued to Respondent Maxine C. Moran, is revoked.

11 Pursuant to Government Code section 11520, subdivision (c), Respondent may
12 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
13 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
14 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
15 statute.

16 This Decision shall become effective on April 25, 2003.

17 It is so ORDERED March 26, 2003

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19 
20 FOR THE CALIFORNIA BOARD OF ACCOUNTANCY
21 DEPARTMENT OF CONSUMER AFFAIRS
22

23 Attachments:

24 Exhibit A: Petition to Revoke Probation No.D1-2000-26, Related Documents, and
25 Declaration of Service
26 Exhibit B: Postal Return Documents
27 Exhibit C: Certification of Costs
28

27 DOJ docket number:0354111 -SD2002AD0836

Exhibit A

Petition to Revoke Probation No. D1-2000-26,
Related Documents and Declaration of Service

BILL LOCKYER, Attorney General
of the State of California
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Attorneys for Complainant

BEFORE THE
CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke Probation
Against:

Case No. ^{PI}~~AL~~-2000-26

PETITION TO REVOKE
PROBATION

MAXINE C. MORAN, CPA
2171 El Camino Real, Suite 100
Oceanside, California 92054

Certified Public Accountant No. 31999

Respondent.

Complainant alleges:

PARTIES

1. Carol B. Sigmann ("Complainant") brings this Petition to Revoke Probation solely in her official capacity as the Executive Officer of the California Board of Accountancy, Department of Consumer Affairs.
2. On or about May 8, 1981, the California Board of Accountancy issued Certified Public Accountant Number 31999 to Maxine C. Moran, CPA ("Respondent"). The accountant's permit was expired due to failure to pay renewal fees in a timely manner and failure to submit declarations of compliance with continuing education requirements during the periods

1 of February 1, 1989 through November 2, 1992, February 1 through March 7, 1993. February 1
2 through April 9, 1995 and February 1, 2001 to the present time. The certificate has not been
3 renewed and remains in an expired status.

4 3. On May 16, 1997, accusation number AC-97-12 was filed before the
5 California Board of Accountancy ("Board") against Respondent. Pursuant to a stipulated
6 settlement, the accusation was withdrawn and citation number CT-99-3 was issued to
7 Respondent in place of the accusation. Pursuant to the stipulation, a Decision and Order
8 affirmed the citation and Respondent paid the administrative fine on August 3, 1998 to comply
9 with the citation.

10 4. On October 8, 1999, citation number CT-2000-8 was issued to Respondent
11 by the Board. The citation specified orders of correction and assessed administrative fines
12 totaling \$2,500.00. The citation was not appealed by Respondent and Respondent did not
13 comply with the citation.

14 5. On June 30, 2000, accusation number AL-2000-26 was filed before the
15 Board against Respondent. On March 1, 2002, the Board's decision and order in that case
16 became effective. The order revoked Respondent's Certified Public Accountant permit, but the
17 revocation was stayed and Respondent's permit was placed on probation for a period of 3 (three)
18 years with certain terms and conditions. The period of probation is from March 1, 2002 through
19 and including April 30, 2005. A copy of that decision and order is attached as Exhibit "A" and is
20 incorporated by reference.

21 JURISDICTION

22 6. This Petition to Revoke Probation is brought before the Board of
23 Accountancy under the authority of the following sections of the Business and Professions Code
24 ("Code").

25 7. Section 5100 of the Code states that after notice and hearing the board
26 may revoke, suspend or refuse to renew any permit or certificate granted under Article 4
27 (commencing with Section 5070) and Article 5 (commencing with Section 5080), or may censure
28 the holder of that permit or certificate for unprofessional conduct.

8. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

FIRST CAUSE TO REVOKE PROBATION

(Failure to Submit Quarterly Reports)

9. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 2.

A. Probation Condition 2 of the Disciplinary Order states:

"Respondent shall submit, within 10 days of completion of the quarter, written reports to the Board on a form obtained from the Board. The respondent shall submit, under penalty of perjury, such other written reports, declarations, and verification of actions as are required. These declarations shall contain statements relative to respondent's compliance with all the terms and conditions of probation. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives."

B. Respondent was required to submit quarterly reports to the Board for the quarters ended March 31, 2002, June 30, 2002 and September 30, 2002. Respondent has not submitted the quarterly reports.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Pay Administrative Fine and Comply with Order of Correction)

10. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 10.

A. Probation Condition 10 of the Disciplinary Order states:

“Within 30 days of the effective date of this decision respondent shall pay the administrative fines and comply with the order of correction set forth in

1 Citation No. CT-2000-8. If respondent has no financial report to produce as
2 described in the order of correction, she shall submit to the Board a written
3 declaration under penalty of perjury to that effect."

4 B. Respondent was required to pay a total of \$2,500.00 to the Board
5 for administrative fines, but has failed to do so. Respondent has not made any payment to the
6 Board for administrative fines assessed pursuant to Citation No CT-2000-8.

7 C. Respondent was required to submit to the Board two copies of a
8 self-selected financial report produced within the last two years. Respondent did not submit any
9 financial reports to the Board.

10 11 THIRD CAUSE TO REVOKE PROBATION

12 (Failure to Appear in Person at Hearing)

13 11. Respondent's probation is subject to revocation because she failed to
14 comply with Probation Condition 3.

15 A. Probation Condition 3 of the Disciplinary Order states:

16 "Respondent shall, during the period of probation, appear in person at
17 interviews/meetings as directed by the Board or its designated representatives.
18 provided such notification is accomplished in a timely manner."

19 B. On January 30, 2002, Respondent was instructed by the Board to
20 personally appear before the Administrative Committee on May 2, 2002. At the request of
21 Respondent, her appearance was re-scheduled for August 15, 2002 at an Administrative
22 Committee Investigative Hearing. Respondent did not appear at the hearing and did not contact
23 the Board to provide any reason why she failed to attend the hearing.

24 DISCIPLINE CONSIDERATIONS

25 12. To determine the degree of discipline, if any, to be imposed on
26 Respondent, Complainant alleges that Respondent's permit has been disciplined by the Board on
27 previous occasions and Respondent has failed to comply with previous orders issued by the
28 Board. The circumstances are:

1 A. A previous citation and fine was issued to Respondent in case
2 number CT-99-3. Respondent complied with the citation and paid the fine on August 3, 1998.

3 B. On October 8, 1999, citation number CT-2000-8 was issued to
4 Maxine C. Moran by the Board. The citation specified orders of correction and assessed
5 administrative fines totaling \$2,500.00. Respondent did not comply with the citation.
6 Accusation number AL-2000-26 was filed before the Board because Respondent did not comply
7 with the citation.

8 C. Accusation number AL-2000-26 was heard by Administrative Law
9 Judge Joyce Wharton. Discipline was imposed pursuant to Code section 5100, subdivision (f)
10 for Respondent's failure to comply with citation number CT-2000-8. Respondent's license was
11 revoked, but the revocation was stayed. Probation was imposed with certain terms and
12 conditions. Respondent has failed to comply with the probation conditions as is alleged with
13 particularity in the Causes to Revoke Probation, above.

14 D. Respondent's disciplinary history with the Board coupled with
15 Respondent's failure and refusal to comply with orders issued by the Board are factors in
16 aggravation which justify revocation of Respondent's license.

17
18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the California Board of Accountancy issue a decision:

21 1. Revoking the probation that was granted by the California Board of
22 Accountancy in Case Number AL-2000-26 and imposing the disciplinary order that was stayed,
23 thereby revoking Certified Public Accountant Number 31999 issued to Maxine C. Moran, CPA;

24 2. Revoking or suspending Certified Public Accountant Number 31999
25 issued to Maxine C. Moran, CPA;

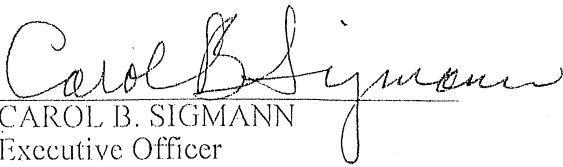
26 3. Imposing otherwise appropriate discipline on Certified Public Accountant
27 Number 31999 issued to Maxine C. Moran, CPA;

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4. Taking such other and further action as deemed necessary and proper.

DATED: January 10, 2003.


CAROL B. SIGMANN
Executive Officer
California Board of Accountancy
Department of Consumer Affairs
State of California
Complainant

03546110-SD2002AD0836

BEFORE THE
BOARD OF ACCOUNTANCY
STATE OF CALIFORNIA

In the Matter of the Accusation against:

MAXINE C. MORAN, CPA

Respondent.

Case No. AL-2000-26

OAH No. L2001010137

PROPOSED DECISION

Administrative Law Judge Joyce A. Wharton, State of California, Office of Administrative Hearings, heard this matter in San Diego, California on September 27, 2001.

Timothy L. Newlove, Deputy Attorney General, represented the complainant.

Respondent Maxine C. Moran appeared on her own behalf.

The matter was submitted on September 27, 2001.

FACTUAL FINDINGS

1. On June 30, 2000, Carol B. Sigmann ("complainant"), acting in her official capacity as Executive Officer of the California Board of Accountancy ("Board"), made and filed Accusation No. AL-2000-26 against Maxine C. Moran, CPA ("respondent"). Respondent filed a Notice of Defense that was deemed timely.

2. Certified Public Accountant Certificate number 31999 was issued to respondent on May 8, 1981. The certificate was expired during the periods of March 1989 through November 2, 1992, February 1 through March 7, 1993, and February 1 through April 9, 1995, due to respondent's failure to timely pay the renewal fee and to submit the declaration of compliance with continuing education requirements. The certificate expired on February 1, 2001 due to failure to pay the renewal fee and submit the declaration of continuing education.

3. In May 1997, the Board filed Accusation No. AC97-12 against respondent. In July 1998, respondent entered a Stipulation in Settlement of the Accusation in which she admitted that she practiced accountancy while her certificate was expired, that she illegally accepted a commission for referral of a client and that she failed to respond to an inquiry by

the Board. The Accusation was withdrawn and a Citation was issued in its place. The Citation imposed a \$1,000.00 fine, which respondent paid on August 3, 1998.

4. On August 13, 1999, Laurence E. Finney, Investigative CPA, sent a letter to respondent that was delivered to her address of record by certified mail on August 16, 1999. The letter stated in pertinent part:

"I have been assigned to investigate the reason for the lack of response to several attempts by this Board to obtain certain information from you.

Pursuant to Rule 89.1, the Board randomly selects samples of financial statement reports (audits, reviews or compilations) prepared by licensees. The sample is taken from license renewals, and your renewal application received in early 1997 was one of those selected in such a sample. You were notified of this by letter dated March 17, 1997.

When the Board received no response to the March 17 letter, follow-up contacts were attempted by certified mail, dated August 7, 1997, and July 20, 1998, both of which were delivered to your address of record according to the return receipt cards.

...

Please provide your written explanation for the absence of response to the above correspondence, as well as a copy of a financial statement recently prepared by your practice. The self-selected financial statement should reflect the highest level of service provided by your firm. . . ."

Respondent did not reply to the letter.

5. On October 8, 1999, Citation No. CT-2000-8 was issued and was delivered to respondent's address of record by certified mail on November 12, 1999. The Citation alleged two violations: failure to respond to the Board's inquiries and failure to furnish financial statements for the Board's review in accordance with the Quality Monitoring Program. The Citation specified orders of correction and proposed administrative fines totaling \$2,500.00.

On December 3, 1999, a Citation Final Notice was issued and was delivered by certified mail to respondent's address of record on December 6, 1999.

Respondent did not contest the Citation nor did she comply with the orders of correction or pay the administrative fines.

6. On February 4, 2000, the Board sent a letter to respondent that was delivered to her address of record by certified mail on February 7, 2000. The letter advised respondent

that her license could not be renewed until she paid the renewal fee and the fine assessed in the Citation. It further advised that failure to comply with the Citation by February 14, 2000, might result in the matter being referred for possible disciplinary action for violation of California Code of Regulations, section 95.4.

7. At the hearing respondent explained that when she submitted her renewal forms in 1997 she had only one client for whom she prepared a monthly compilation and she did not perform any audits. Her practice consisted of the preparation of tax returns, mainly for seniors. Except for tax season she was rarely in her office and did not have a reliable system for checking her mail. She thought she instructed her office assistant to submit the information requested by the Board. Respondent admitted that she "probably was not paying enough attention to what was going on" and has "not done a good job of taking care of administration." She blames a personal life that was "in shambles" due to the illnesses and death of relatives.

Respondent contends she now has a part-time employee "who seems to be more conscientious" and she has developed a better system for receiving her mail and phone calls. Respondent seemed sincere in her desire to resolve this matter and not let it happen again.

8. Aggravating circumstances to be considered in determining the penalty are respondent's history of prior discipline and her failure to comply with a valid citation order.

LEGAL CONCLUSIONS

1. Business and Professions Code section 5100, subdivision (f) provides that the Board may discipline a certificate for unprofessional conduct, which includes the willful violation of any rule or regulation promulgated by the Board.

Title 16, California Code of Regulations, section 95.4 states in pertinent part:

"The failure of a licensee to comply with a citation containing an assessment of . . . an administrative fine and an order of correction or abatement after this citation is final and has been served in accordance with the provisions of section 11505(c) of the Government Code shall constitute a ground for revocation or suspension of the license or permit."

2. Cause was established to discipline respondent's Certified Public Accountant Certificate pursuant to Business and Professions Code section 5100, subdivision (f), for unprofessional conduct by reason of her violation of Board Regulation 95.4.

Factual Findings 1 through 8 inclusive and Legal Conclusion 1 support this conclusion.

ORDER

Certified Public Accountant license No. 31999 issued to Maxine C. Moran is revoked. However, revocation is stayed and respondent is placed on probation for three years upon the following terms and conditions:

1. Respondent shall obey all federal, California, other states' and local laws, including those rules relating to the practice of public accountancy in California.
2. Respondent shall submit, within 10 days of completion of the quarter, written reports to the Board on a form obtained from the Board. The respondent shall submit, under penalty of perjury, such other written reports, declarations, and verification of actions as are required. These declarations shall contain statements relative to respondent's compliance with all the terms and conditions of probation. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.
3. Respondent shall, during the period of probation, appear in person at interviews/meetings as directed by the Board or its designated representatives, provided such notification is accomplished in a timely manner.
4. Respondent shall fully comply with the terms and conditions of the probation imposed by the Board and shall cooperate fully with representatives of the Board of Accountancy in its monitoring and investigation of the respondent's compliance with probation terms and conditions.
5. Respondent shall be subject to, and shall permit, a practice investigation of the respondent's professional practice. Such a practice investigation shall be conducted by representatives of the Board, provided notification of such review is accomplished in a timely manner.
6. Respondent shall comply with all final orders resulting from citations issued by the Board of Accountancy.
7. In the event respondent should leave California to reside or practice outside this state, respondent must notify the Board in writing of the dates of departure and return. Periods of non-California residency or practice outside the state shall not apply to reduction of the probationary period, or of any suspension. No obligation imposed herein, including requirements to file written reports, reimburse the Board costs, or make restitution to consumers, shall be suspended or otherwise affected by such periods of out-of-state residency or practice except at the written direction of the Board.
8. If respondent violates probation in any respect, the Board, and after giving respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or a petition to revoke probation is filed

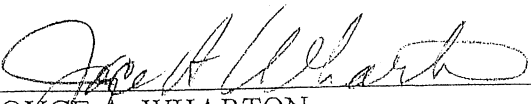
against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

9. Upon successful completion of probation, respondent's license will be fully restored.

10. Within 30 days of the effective date of this decision respondent shall pay the administrative fines and comply with the order of correction set forth in Citation No. CT-2000-8. If respondent has no financial report to produce as described in the order of correction, she shall submit to the Board a written declaration under penalty of perjury to that effect.

DATED: _____

11/19/01


JOYCE A. WHARTON
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE
BOARD OF ACCOUNTANCY
STATE OF CALIFORNIA

In the Matter of the Accusation against:

MAXINE C. MORAN, CPA

Respondent.

Case No. AL-2000-26

OAH No. L2001010137

DECISION

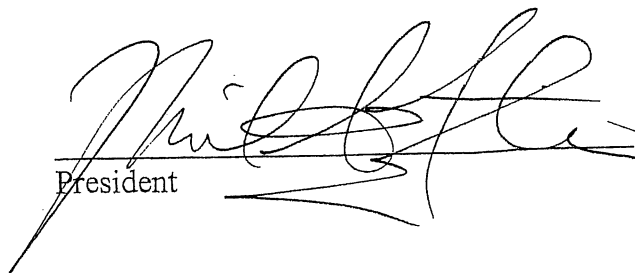
The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the California Board of Accountancy as its Decision in the above-entitled matter.

This Decision shall become effective March 1, 2002.

IT IS SO ORDERED.

Date: January 30, 2002

BOARD OF ACCOUNTANCY


President

1 BILL LOCKYER, Attorney General
of the State of California
2 TIMOTHY L. NEWLOVE, [State Bar No. 73428]
Deputy Attorney General
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7 Attorneys for Complainant

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BEFORE THE
BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation
12 Against:

Case No. AL-2000-26

13 MAXINE C. MORAN, CPA
2171 El Camino Real, #100
Oceanside, California 92054

ACCUSATION

14 Certified Public Accountant
15 License No. CPA 31999

16 Respondent.
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Complainant Carol B. Sigmann, as cause for disciplinary action, alleges:

PARTIES

1. Complainant is the Executive Officer of the California Board of
Accountancy ("Board") and makes and files this Accusation solely in her official capacity.

LICENSE INFORMATION

2. On or about May 8, 1991, Board Certificate No. CPA 31999 (the
"Certificate") was issued to MAXINE C. MORAN, ("Respondent"). The Certificate is subject to
renewal every two years pursuant to Business and Professions Code section 5070.6 The
certificate is currently in full force and effect through January 31, 2001.

1 3. On May 16, 1997, in an unrelated prior matter, the Board issued Accusation
2 No. AC-97-12 against respondent Moran. On July 2, 1998, Accusation No. AC-97-12 was
3 withdrawn by a written settlement agreement and Citation and Fine No. CT-99-3 was issued to
4 respondent. This Citation was resolved by Ms. Moran's payment of a fine on August 3, 1998.

5 STATUTES AND REGULATIONS

6 4. At all times material herein, Business and Professions Code section 5100(f)
7 has provided that unprofessional conduct for a certified public accountant includes the willful
8 violation of the Accountancy Act or any rules or regulation promulgated by the Board.

9 5. Business and Professions Code section 125.9 authorizes the Board to
10 establish by regulation a system for the issuance to a licensee of a citation which may contain an
11 order or abatement or an order to pay an administrative fine where the licensee is in violation of
12 the Accountancy Act or any regulation adopted pursuant thereto. Business and Professions Code
13 section 125.9(b)(5) provides, in part, that the failure of a licensee to pay a fine within 30 days of
14 the date of assessment, unless the citation is being appealed, may result in disciplinary action
15 being taken by the Board.

16 6. Section 95.4 of Title 16 of the California Code of Regulations (the "Board
17 Rules") provides that the failure of a licensee to comply with a citation containing an assessment
18 of administrative fine, an order of correction or abatement, or both an administrative fine and an
19 order of correction or abatement after this citation is final shall constitute a ground for revocation
20 or suspension of the license or permit.

21 CAUSE FOR DISCIPLINE

22 7. Respondent is subject to disciplinary action because she failed to comply
23 with Board Citation No. CT-2000-8 (the "Citation") which has become a final order of the
24 Board. A true and correct copy of the citation is attached hereto as Exhibit "A" and included
25 herein by reference as though fully set forth. The facts and circumstances are as follows:

26 a. On or about October 8, 1999, Citation No. CT-2000-8 was issued to
27 Respondent. The Citation alleged two violations, set an order of correction, proposed

1 administrative fines totaling \$2,500, and established November 8, 1999, as the date on which,
2 unless contested, the Citation would become a final order of the Board.

3 b. On or about October 8, 1999, copies of the Citation, Statement to Cited
4 Person, Notice of Appeal, and relevant Governmental Code sections (the "Citation Package")
5 were served by both Certified Mail and First Class Mail, by Joy de Vega, an employee of the
6 Board, on Respondent at her address of record with the Board, which address was and is 2171 El
7 Camino Real, Suite 100, Oceanside, California 92054.

8 c. On or about November 12, 1999, the green Domestic Return Receipt for the
9 Citation Package sent by Certified Mail was returned to the Board by the United States Postal
10 Service reflecting November 12, 1999, as the delivery date. The Return Receipt was signed by
11 Katie Petty. The above-described service was effective as a matter of law pursuant to the
12 provisions of California Government Code sections 11505(c) and Business and Professions Code
13 section 124.

14 d. On or about December 3, 1999, a Citation Final Notice was sent to the
15 Respondent by Certified Mail.

16 e. On or about December 6, 1999, the green Domestic Return Receipt for the
17 Citation Final Notice was returned to the Board by the United States Postal Service reflecting
18 December 6, 1999, as the delivery date. The Return Receipt was signed by Katie Petty.

19 f. Respondent has not complied with the Citation, and, therefore, Respondent's
20 certificate is subject to discipline for unprofessional conduct in violation of Board Rule 95 et seq.
21 in conjunction with Business and Professions Code section 5100(f).

22 **PRAYER**

23 WHEREFORE, the complainant requests that a hearing be held on the matters
24 herein alleged, and that following said hearing, the Board issue a decision:

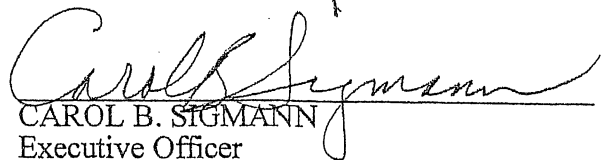
25 1. Revoking, suspending or otherwise imposing discipline upon Certified
26 Public Accountant Certificate No. 31999 issued to Respondent.

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2. Taking such other and further action as the Board deems proper.

DATED: June 30, 2000



CAROL B. SIGMANN
Executive Officer
Board of Accountancy
Department of Consumer Affairs
State of California
Complainant



BOARD OF ACCOUNTANCY

2000 EVERGREEN STREET, SUITE 250

SACRAMENTO, CA 95815-3832

TELEPHONE: (916) 263-3680

FACSIMILE: (916) 263-3675

WEB ADDRESS: <http://www.dca.ca.gov/cba>

Citation No. CT - 2000-8

License No. CPA 31999

MAXINE MORAN
2171 EL CAMINO REAL #100
OCEANSIDE CA 92054

The California Board of Accountancy has conducted an investigation, and it is issuing you a citation pursuant to Business and Professions Code, Sections 125.9 and 5100, and California Code of Regulations, Sections 95 - 95.6, for the violation(s) which was found during the investigation.

This citation details each violation charged and orders of correction where applicable.
IT IS YOUR RESPONSIBILITY TO READ THE ENTIRE CITATION.

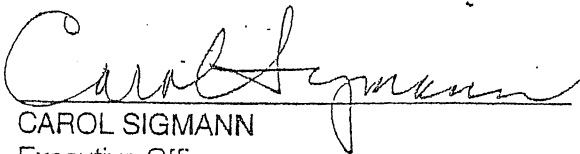
Unless contested, this citation shall become a final order on November 8, 1999; the Order of Correction is due on or before November 8, 1999, and the administrative fine totaling \$2,500.00 is due on or before November 8, 1999.

You are responsible for notifying the California Board of Accountancy when correction is made. Proof of correction must be received at the above address **no later than five working days after the correction due date.**

Payment of the administrative fine should be made payable to the California Board of Accountancy by check or money order. Please include the citation number on the payment and on all correspondence.

FAILURE TO RESPOND TO THIS CITATION WILL RESULT IN FURTHER DISCIPLINARY ACTION AGAINST YOUR LICENSE.

October 8, 1999
Date


CAROL SIGMANN
Executive Officer
CALIFORNIA BOARD OF ACCOUNTANCY

CS:SNS:jdv

Attachments: Statement to Cited
 Notice of Appeal
 Government Code Sections 11507.5, 11507.6, and 11507.7

Item No. 1

**Section(s)
Violated:**

California Code of Regulations, Title 16, Division 1, Article 9,
SECTION 52 – RESPONSE TO BOARD INQUIRY:

“A licensee shall respond to any inquiry by the Board or its appointed representatives. The response shall include making available all files, working papers, and other documents requested. Failure to respond to the inquiry within 30 days constitutes a violation of Section 51.00(f) of the Accountancy Act. Any inquiry by the Board requiring a response pursuant to this section shall be in writing. The 30-day response period begins when the inquiry is mailed to the licensee, or if not mailed, when personally delivered.”

**Description
of Violation:**

During the period August 1997 to present, Maxine C. Moran, CPA 31999, was requested to contact the California Board of Accountancy and failed to comply in violation of California Code of Regulations, Section 52.

**Order of
Abatement:**

N/A

**Order of
Correction:**

N/A

**Time to
Correct:**

N/A

**Administrative
Fine:**

\$1500

Item No. 2

**Section(s)
Violated:**

California Code of Regulations, Title 16, Division 1, Article 1,
Section 89.1 - REVIEW OF FINANCIAL STATEMENTS:

"(a) The Board may request licensees, selected on the basis of a statistical sampling, to supply copies of selected financial reports issued during the previous two years. Requests shall be directed only to those licensees who, within the previous two years, have had primary responsibility for, or authority to sign, financial report(s). The financial report or reports to be submitted shall be selected by the responding licensee and shall reflect the highest level of service rendered by such licensee.

For purposes of this regulation, financial report shall mean the licensee's report (audit, review or compilation) and financial statements with accompanying footnotes and supplementary financial data, if any.

(b) Willful failure or refusal of a licensee to comply with the Board's written request for a copy of financial report(s), within 30 calendar days of the licensee's receipt of that request, constitutes a violation of Section 5100(f) of the Accountancy Act. "

**Description
of Violation:**

The respondent, Maxine C. Moran, CPA 31999, in violation of California Code of Regulations, Section 89.1, failed to furnish financial statements for Board review, in accordance with the Quality Monitoring Program.

**Order of
Abatement:**

N/A

**Order of
Correction:**

Submit two (2) copies of a self-selected financial report produced within the last two (2) years, of the highest level rendered.

**Time to
Correct:**

30 Days

**Administrative
Fine:**

\$1000